1994 No. 146

HEALTH AND SAFETY

Diving Operations at Work Regulations (Northern Ireland) 1994

Made . . . . . 12th April 1994

Coming into operation in accordance with regulation 1(2) and (3)

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Whereas it appears to the Department of Economic Development being the Department concerned(**a**) that the modification of the Regulations referred to in regulation 21(2) is necessary or expedient in connection with the other provisions of these Regulations,

Now therefore, the Department concerned, in exercise of the powers conferred by Articles 17(1), (2), (3), (4) and (5)(**b**), 54(1) and 55(2) of, and paragraphs 1(1) and (2), 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 19 and 20(*a*), (*b*) and (*c*) of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**c**) ("the 1978 Order") and of every other power enabling it in that behalf, after consultation in accordance with Articles 46(1) and 54(5) of the 1978 Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to the Department concerned to be appropriate, hereby makes the following Regulations:—

Citation and commencement

1.—(1) These Regulations may be cited as the Diving Operations at Work Regulations (Northern Ireland) 1994.

(2) Subject to paragraph (3), these Regulations shall come into operation on 1st August 1994.

(3) The following provisions shall come into operation on 1st August 1995, that is to say—

(*a*) regulation 3(3)(ii);

(*b*) regulation 5(1)(*f*) and (*g*);

(*c*) regulation 10(1)(*b*);

(*d*) regulation 11(1) insofar as it relates to personnel referred to in regulation 18(1);

(*e*) regulation 11(1)(*c*);

(*f*) regulation 14;

(*g*) regulation 18;

(*h*) regulation 23;

(*i*) paragraph 2(*e*) of Schedule 1 insofar as it relates to a certificate of diving first-aid.

(**a**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**b**) Article 17 must be read with S.I. 1992/1728 (N.I. 17) Article 3(2)
(**c**) S.I. 1978/1039 (N.I. 9); the general purposes of Part II referred to in Article 17(1) were extended by S.I. 1992/1728 (N.I. 17) Article 3(1)

Interpretation

2.—(1) In these Regulations—

"the 1971 Act" means the Mineral Workings (Offshore Installations) Act 1971(**a**);

"breathing mixture" means air or any other mixture of gases which is fit for breathing;

"concession owner" means a person who is a concession owner for the purposes of the 1971 Act in accordance with section 12(2) of that Act(**b**);

"the Department" means the Department of Economic Development;

"diver" shall be construed in accordance with paragraph (2)(*b*);

"diver's log book" shall be construed in accordance with regulation 10(4)(*a*);

"diving bell" means any compression chamber which is capable of being manned and is used or designed for use under the surface of water in supporting human life being a chamber in which any occupant is or may be subjected to a pressure of more than 300 millibars above atmospheric pressure during normal operation; and "bell diving" shall be construed accordingly;

"diving contractor" has the meaning assigned by regulation 5(4);

"diving operation" shall be construed in accordance with paragraph (2)(*a*) and (*c*);

"diving rules" means the rules required by regulation 5(1)(*b*);

"diving supervisor" means in relation to any diving operation the person appointed in respect of that operation by the diving contractor under regulation 5(1)(*a*);

"emergency" means an emergency affecting or likely to affect the health or safety of a diver engaged in a diving operation;

"first-aid" means—

(*a*) in cases where a person will need help from a medical practitioner or nurse, treatment for the purpose of preserving life and minimising the consequences of injury and illness until the appropriate help is obtained; and

(*b*) treatment of minor injuries and illnesses which would otherwise receive no treatment or which do not need treatment by a medical practitioner or nurse (and in this sub-paragraph "treatment" includes redressing and other follow-up treatment);

"offshore installation" means an offshore installation within the meaning of section 1 of the 1971 Act(**c**) which is within territorial waters;

(**a**) 1971 c. 61

(**b**) Section 12(2) was substituted by paragraph 11(2) of Schedule 3 to the Oil and Gas (Enterprise) Act 1982 (c. 23)

(**c**) 1971 c. 61; section 1 was substituted by section 24 of the Oil and Gas (Enterprise) Act 1982 (c. 23)

"pipeline" means a pipe or system of pipes for the conveyance of any thing, together with—

(*a*) any apparatus for inducing or facilitating the flow of any thing through, or through a part of, the pipe or system;

(*b*) any apparatus for treating or cooling any thing which is to flow through, or through part of, the pipe or system;

(*c*) valves, valve chambers and similar works which are annexed to, or incorporated in the course of, the pipe or system;

(*d*) apparatus for supplying energy for the operation of any such apparatus or works as are mentioned in sub-paragraphs (*a*) to (*c*);

(*e*) apparatus for the transmission of information for the operation of the pipe or system;

(*f*) apparatus for the cathodic protection of the pipe or system; and

(*g*) a structure used or to be used solely for the support of a part of the pipe or system;

but not including—

(i) a pipeline of which no initial or terminal point is situated in the United Kingdom or within United Kingdom territorial waters adjacent to Northern Ireland or an area designated by Order under section 1(7) of the Continental Shelf Act 1964(**a**); or

(ii) any part of a pipeline which is an offshore installation;

"pipeline works" means—

(*a*) assembling or placing a pipeline or length of pipeline including the provision of internal or external protection for it, and any processes incidental to any of those activities;

(*b*) inspecting, testing, maintaining, adjusting, repairing, altering or renewing a pipeline or length of pipeline;

(*c*) changing the position of or dismantling or removing a pipeline or length of pipeline;

(*d*) opening the bed of the sea for the purposes of the works mentioned in sub-paragraphs (*a*) to (*c*), tunnelling or boring for those purposes and other works needed for or incidental to those purposes;

(*e*) diving operations in connection with any of the works mentioned in sub-paragraphs (*a*) to (*d*) or for the purpose of determining whether a place is suitable as part of the site of a proposed pipeline and the carrying out of surveying operations for settling the route of a proposed pipeline;

"saturation techniques" means procedures by means of which a diver avoids repeated decompressions to atmospheric pressure by being continuously subjected to an ambient pressure greater than

(**a**) 1964 c. 29; section 1 was amended by paragraph 1 of Schedule 3 to the Oil and Gas (Enterprise) Act 1982 (c. 23)

atmospheric pressure so that his body tissues and blood become saturated with inert elements of the breathing mixture;

"self-contained" in relation to any diving plant and equipment, means diving plant and equipment in which the supply of breathing mixture is carried by the diver independently of any other source;

"territorial waters" means United Kingdom territorial waters adjacent to Northern Ireland and "within territorial waters" includes on, over or under them;

"visiting force" has the same meaning as it does for the purposes of any provision of Part I of the Visiting Forces Act 1952(**a**).

(2) For the purposes of these Regulations and subject to paragraph (3)—

(*a*) a diver shall be deemed to be engaged in a diving operation from the time when he commences to prepare to dive until—

(i) if he entered the water, he has left it and returned to a place from which the diving operation is being carried on;

(ii) he is no longer subject to raised pressure; and

(iii) it may reasonably be anticipated that he will not need therapeutic recompression;

(*b*) a person shall be deemed not to be a diver if he—

(i) is in a submersible chamber or craft or in a pressure-resistant diving suit, and is not exposed to a pressure exceeding 300 millibars above atmospheric pressure during normal operation;

(ii) uses no underwater breathing apparatus or uses only snorkel-type apparatus;

(iii) is taking part in the diving operation in a capacity other than as an employee or self-employed person; or

(iv) is on duty as a member of the armed forces of the Crown or visiting forces and is engaged in operations or operational training;

(*c*) a person who is engaged in any activity as a diving supervisor, as a member of a diving team or in connection with the recompression or decompression of a diver engaged in a diving operation shall be deemed to be engaged in a diving operation.

(3) Paragraph (2)(*a*)(ii) and (iii) shall not apply when for the purpose of receiving medical treatment a diver has been transferred to a hospital or other place which is not under the control of the diving contractor or the diving supervisor.

Application

3.—(1) Subject to paragraph (2) and regulation 8(1), these Regulations shall apply to, and in relation to, all diving operations in which any diver taking part is at work as an employee or a self-employed person.

(2) These Regulations shall apply to a diving operation only if at least one of the persons going under water is a diver for the purpose of the Regulations.

(a) 1952 c. 67